

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Lashawn Sharpe, individually and on behalf of all
other similarly situated,

Plaintiff,

-against-

A&W Concentrate Company and Keurig Dr
Pepper Inc.,

Defendants.

Case No.: 1:19-cv-00768 (BMC)

**DEFENDANTS' NOTICE OF
MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the pleadings, the accompanying declarations of Steven Kramer dated December 18, 2019; Dana Krueger dated December 20, 2019; Andre Granda dated December 17, 2019; and Creighton Magid dated December 20, 2019 and the exhibits attached thereto, and the accompanying memorandum of law, Defendants A&W Concentrate Company and Keurig Dr Pepper Inc., hereby move this Court, pursuant to Federal Rule of Civil Procedure 56, for an order granting summary judgment in their favor on all claims in Plaintiff's Complaint. Plaintiff cannot meet his burden of establishing that the A&W beverages do not contain real vanilla. Accordingly, summary judgment must be granted in favor of Defendants.

Dated: December 23, 2019

Respectfully submitted,

/s/ Creighton R. Magid
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*Attorneys For Defendants A&W CONCENTRATE
COMPANY AND KEURIG DR PEPPER INC.*

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2019, I caused copies of the foregoing Defendant's NOTICE OF MOTION FOR SUMMARY JUDGMENT to be filed with the Clerk of Court using the CM/ECF system which will send notification of the filing to all counsel of record.

By: /s/ Creighton R. Magid
Creighton R. Magid